



NEW JERSEY SENATE

BARBARA BUONO
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COMMITTEES:
CHAIR
LEGISLATIVE OVERSIGHT

MEMBER
BUDGET & APPROPRIATIONS

August 26, 2010

Dear Commissioner Schundler,

Yesterday, we learned the State of New Jersey was forced to forgo \$400 million in vital education funding due to a simple but, unfortunately, decisive error on the state's application for the "Race to the Top" competition.

As Chair of the Senate Legislative Oversight Committee, I have called a meeting to determine the source of the breakdown in the state's application process that caused this fatal error to occur. The goal of the committee will be to establish safeguards within the preparation process of similar applications to ensure that the taxpayers of New Jersey do not miss out on additional federal funding for which the state qualifies.

To do this, we will need to piece together the chain of events that led to this error. It is for this reason that I am making a formal request for all materials related to "Race to the Top" funding, including any draft materials prepared for the application process. It is my hope that you will comply in a timely manner so that we can ensure the integrity of our government process and prevent a lapse of this kind in the future.

Thank you in advance for your immediate attention to this request.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Buono".

Barbara Buono
Chair, Senate Legislative Oversight Committee

Requesting Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

1. In order to request access to government records under OPRA, you must complete all the required portions of and date this request form and deliver it in person during regular business hours or by mail, fax or electronically to the appropriate custodian of the record requested. Your request is not considered filed until the appropriate custodian of the record requested has received a completed request form. If you submit the request form to any other officer or employee of the **Department of Education**, that officer or employee does not have the authority to accept your request form on behalf of the **Department of Education** and you will be directed to the appropriate division custodian. Descriptions of the divisions and agencies of the **Department of Education** can be found at www.state.nj.us/education.
2. If you submit a request for access to government records to someone other than the appropriate custodian, do not complete the **Department of Education** request form, or attempt to make a request for access by telephone or fax; the Open Public Records Act and its deadlines, restrictions and remedies will not apply to your request.
3. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. **Payment shall be made by cash, check or money order** payable to the **State of New Jersey**.
4. If it is necessary for the records custodian to contact you concerning your request, providing identifying information, such as name, address and telephone number or an e-mail address is required. Where contact is not necessary, anonymous requests are permitted; except that anonymous requests for personal information are not honored.
5. **A 50% deposit must accompany requests with estimated fees exceeding \$25.** Anonymous requests, when permitted, require a deposit of 100% of estimated fees. You agree to pay the balance due upon delivery of the records.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family.
7. By law, the **Department of Education** must notify you that it grants or denies a request for access to government records within seven business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage. If the record requested is not currently available or is in storage, the custodian will advise you within seven business days when the record can be made available and the estimated cost. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If the **Department of Education** is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.
11. If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the **Department of Education** to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.
13. To contact the Records Custodian of the **Department of Education**:

OPRA Custodian
New Jersey Department of Education
100 Riverview Plaza, PO Box 500
Trenton, NJ 08625-0500
Phone: (609) 943-4599
Fax : (609) 633-9553